

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND SPECIAL SESSION

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ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1784**

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H. P. 1278 House of Representatives, January 9, 1968  
Referred to Committee on Public Utilities. Sent up for concurrence and  
ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hodgkins of Greene.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-EIGHT

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**AN ACT Creating the Webster Water District.**

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**Emergency preamble.** Whereas, there is no existing public water system in the Town of Webster; and

Whereas, this condition constitutes a menace to the health, welfare and safety of the Town of Webster; and

Whereas, there is immediate need to bring adequate, continuous, clean water to the public schools located in Webster at the earliest possible date; and

Whereas, it is imperative that action be taken at the earliest possible moment to eliminate such conditions; and

Whereas, Acts and resolves do not become effective until 90 days after adjournment of the Legislature unless passed as an emergency measure; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. Territorial limits; corporate name and purpose.** The inhabitants of and territory within the Town of Webster in the County of Androscoggin shall be and are constituted a body politic and corporate under the name of the "Webster Water District", for the purpose of supplying the inhabitants and others in the district and the Town of Webster with pure water for domestic, commercial, sanitary, industrial, agricultural and municipal purposes.

**Sec. 2. Powers of Webster Water District.** Said Webster Water District is authorized for the purposes of its incorporation to take, collect, store, flow, use, divert, distribute and convey to the Town of Webster or any part thereof water from any lake, pond, stream or river, or from any surface or underground brook, spring or vein of water, natural or artificial, in the town and it is also authorized to locate, construct and maintain aqueducts, pipes, conduits, dams, wells, reservoirs, standpipes, hydrants, pumping stations, drains and other necessary structures, or to contract to do any and all of the foregoing things.

All incidental powers, rights and privileges necessary to the accomplishment of the main objects herein set forth are granted to said district hereby created.

**Sec. 3. Authorized to lay mains, pipes, conduits, etc., through public ways and across private lands.** The district is authorized to lay in and through the streets, roads, ways and highways of the Town of Webster, and across private lands therein, and to maintain, repair and replace all such pipes, mains, drains, conduits, aqueducts and fixtures and appurtenances as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes, mains, drains, conduits, aqueducts and fixtures or appurtenances in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

**Sec. 4. Rights of eminent domain.** The said district, for the purposes of its incorporation, is authorized to take and hold as for public uses, real estate and personal estate, and any interest therein, necessary or convenient for such purposes, by purchase, lease, gift or otherwise and is expressly authorized to exercise the right of eminent domain, as hereinafter provided, to acquire for such purposes any land or interest therein or water rights necessary for erecting and maintaining dams, plants and works, for flowage, for power, for pumping, for supplying water through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

The said district is authorized, for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. Nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation used, or acquired for future use, by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent Act of the Legislature.

**Sec. 5. Procedure in exercising rights of eminent domain; assessment of damages; appeal procedure.** In exercising any rights of eminent domain that are conferred upon said district, the district shall file for record in the registry of deeds in Androscoggin County plans of the location of lands or interest therein to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire property which it is authorized to take and which is described in such location, or if the location

so recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof; and in such case, the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any act which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of 10 days from such filing; whereupon possession may be had of all such lands or interest therein so taken, but title thereto shall not vest in said district until paid for.

If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Androscoggin County, may have said damages assessed by them. The procedure and all subsequent proceedings and the rights of appeals thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

**Sec. 6. Procedure if public utility must be crossed.** In case of crossing of any public utility, unless consent is given by the company owning and operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by such district, the Public Utilities Commission upon petition by the district shall determine the place, manner and conditions of such crossing, and all work on the property of such utility shall be done under the supervision and to the satisfaction of such public utility, or as prescribed by the Public Utilities Commission, but at the expense of the district.

**Sec. 7. Trustees; how elected; meetings; officers.** All the affairs of said district shall be managed by a board of trustees composed of 3 members who shall be bona fide residents of the Town of Webster and who shall be chosen as hereinafter provided.

As soon as may be after the acceptance of this Act as hereinafter provided, the selectmen of the Town of Webster shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual town meeting of the Town of Webster following the acceptance of this Act; one to serve until the 2nd annual town meeting of said town following such acceptance; and one to serve until the 3rd annual town meeting of said town following such acceptance. At each annual town meeting of said town, beginning with the first annual town meeting following the acceptance of this Act, one trustee shall be elected by the town in the manner of voting followed at the town meeting for the election of selectmen, to serve until the annual town meeting occurring 3 years thereafter and until a successor is elected and qualified.

Whenever any trustee ceases to be a resident of said district, he vacates the office of trustee. All trustees, if resident of said district, shall be eligible for reelection. Vacancies in the office of trustee shall be filled by the selectmen until the next annual town meeting of the Town of Webster, and at such annual town meeting the unexpired portion of said term, if any, shall be filled in the same manner as the trustees are elected.

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place and delivered in hand to the other 2 members, not less than 2 full days before the meeting; provided that they may meet by agreement without such notice. They shall organize by electing from their own number a chairman and a clerk and, not necessarily from their own number, a treasurer. They shall adopt a corporate seal and may adopt bylaws and perform any other acts within the powers delegated to them by law. Following each annual town meeting of said Town of Webster, the trustees shall elect from their own number a chairman and a clerk and, not necessarily from their own number, a treasurer to serve until the next annual town meeting of said Town of Webster and until their respective successors are elected and qualified.

The trustees from time to time may choose and employ and fix the compensation of any other necessary officers and agents, who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district. Members of the board of trustees shall be eligible to any office under the board. The trustees, as such, shall serve without compensation; but the treasurer may be allowed such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member who shall serve as clerk or clerk pro tem.

**Sec. 8. Annual report.** The trustees shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the annual town report.

Also, a complete report of the activities of the district shall be rendered at the annual town meeting of the Town of Webster by the board of trustees of said district, including a financial report.

**Sec. 9. Contracts for supply water.** Said water district, through its trustees, is authorized to make contracts with persons, corporations and municipalities, including the Town of Webster, for the purpose of supplying water as contemplated by this Act, and the Town of Webster, by its selectmen, is authorized to enter into a contract with said district for a supply of water for public uses on such terms and for such times as the parties may agree, which contracts when made shall be legal and binding on all parties thereto and said Town of Webster for said purposes may raise money in the same manner as for other municipal charges. Said water district is further authorized to sell water to the City of Lewiston for public uses and the City of Lewiston is authorized to purchase water from said Webster Water District on such terms and for such time as the parties may agree, subject to approval by the Public Utilities Commission.

**Sec. 10. Authorized to receive governmental aid, to borrow money, to issue bonds and notes.** For accomplishing the purposes of this Act, and for such other expenses as may be necessary for the carrying out of said purposes, said district, through its trustees, without vote of the inhabitants, is authorized to receive both state and federal aid grants; to borrow money temporarily and to

issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under this Act, including organizational and other necessary expenses and liabilities, whether incurred by the district or the Town of Webster, the district being authorized to reimburse said Town of Webster for any such expense incurred by it and in acquiring properties, paying damages, laying pipes, mains, drains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction. Said district, through its trustees, without the vote of its inhabitants, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or amounts, bearing interest at such rate or rates, selling at par, at a discount or at premium and having such other terms and provisions as the trustees shall determine.

Said bonds, notes and evidences of indebtedness may be issued to mature serially or made to run for such periods as the trustees may determine, but none of them shall run for a longer period than 40 years from the date of original issue thereof. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable, may be made callable at par or at such premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Webster Water District", shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile signature of the treasurer.

All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1964, Title 30, section 5053, and all provisions of said section shall be applicable thereto.

The district may refund and reissue, from time to time, in one or in separate series, its bonds, notes and other evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine.

**Sec. 11. Property tax exemption.** The property, both real and personal, rights and franchises of said district, shall be forever exempt from taxation in the Town of Webster.

**Sec. 12. Rates, application of revenue, sinking fund.** All individuals, firms and corporations, whether private or public, shall pay to the treasurer of said district the rates established by said board of trustees for the services used by them, and said rates shall be uniform within the territory supplied by the district, and the water rates shall be subject to the approval of the Public Utilities Commission.

Said water rates shall be so established as to provide revenue for the following purposes:

1. **Current expenses.** To pay the current expenses for operating and maintaining the water system and to provide for such extensions and renewals as may become necessary.

2. **Payment of the interest.** To provide for payment of the interest on the indebtedness created or assumed by the district.

3. **Sinking fund.** To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created or assumed by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks, a fiduciary or trustees in the State of Maine are now or hereafter allowed to hold. The trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.

4. **Remaining surplus.** If any surplus remains at the end of the year, it may be turned into the sinking fund.

**Sec. 13. Existing statutes not affected; right conferred subject to provisions of law.** Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of the Revised Statutes of 1964, Title 35, Part I, and all Acts amendatory thereof and additional thereto.

**Emergency clause; effective date; referendum; certificate to Secretary of State.** In view of the emergency cited in the preamble, this Act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Webster at a special election or elections called and held for the purpose. The dates of said elections shall be determined by said municipal officers, but such election shall not be later than the first day of September, 1969. Such special elections shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, the registrar of voters shall not be required to prepare nor the town clerk to post a new list of voters; and for this purpose the registrar of voters shall be in session on the first secular day next preceding said election. The town clerk shall prepare the required ballots, on which he shall reduce the subject matter of this Act to the following question: "Shall the Act Creating the Webster Water District, passed by the 103rd Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The result of the vote in said district shall be declared by the municipal officers of the Town of Webster and due certificate thereof filed by the town clerk with the Secretary of State, and if said result so filed shows that a majority of the vote is for approval of this Act, it shall take complete effect; provided that the total number of votes cast for and against the acceptance of this Act equals or exceeds 20% of the total vote for all candidates for Governor cast in said district at the next previous gubernatorial election.